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ABSTRACT

This material includes student guide sheets, reference material, and tape script for the audio-tutorial unit on Local Implementation. An audio tape is used with the materials. The material is designed for use with Connecticut schools, but can be adapted to other localities. The material in this unit emphasizes the role of planning and zoning in local land use decision making. Included are activities on zoning authority, zoning classifications, and zoning problems. (RH)

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LOCAL IMPLEMENTATION

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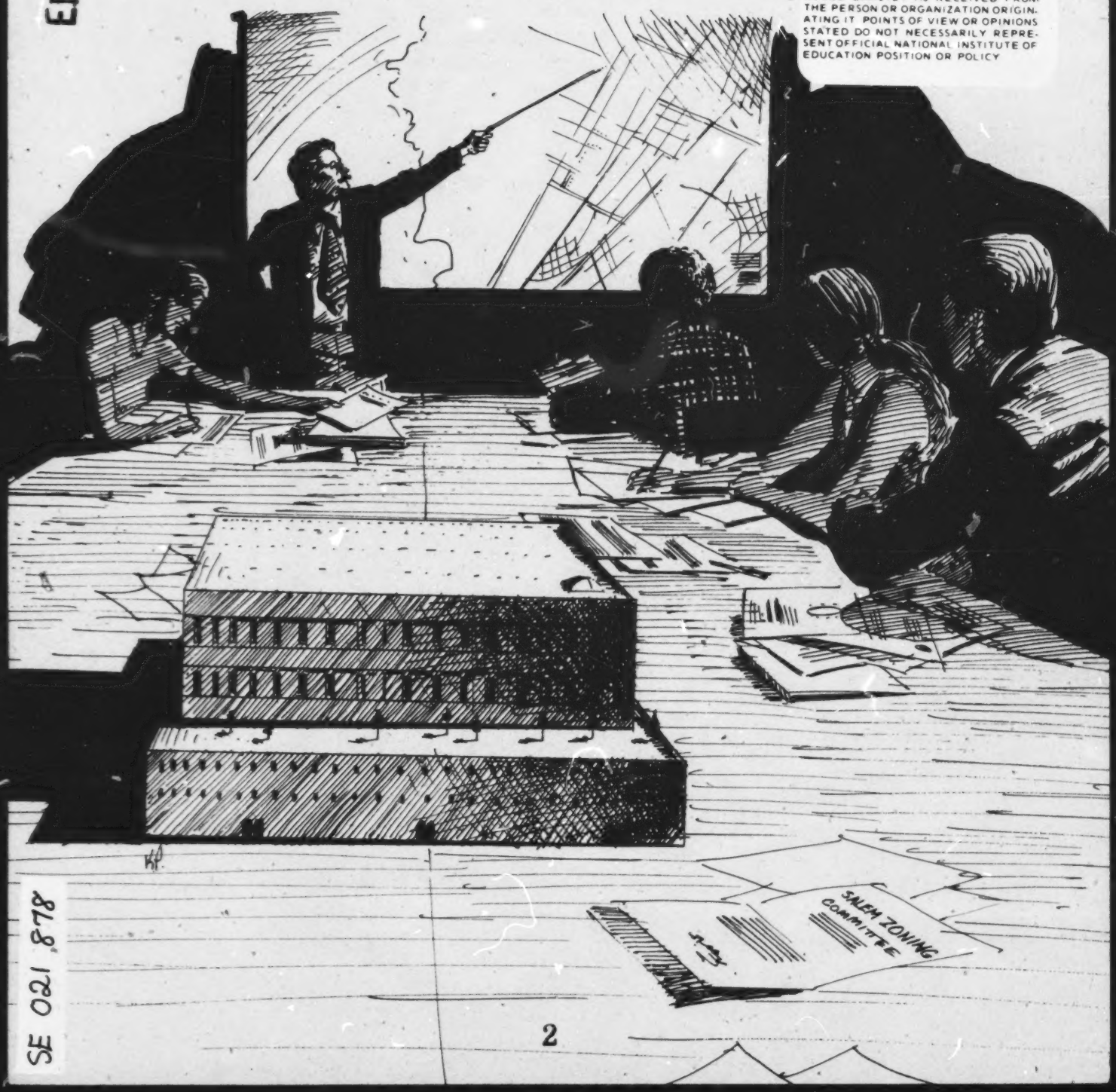

SE 021 878

LOCAL IMPLEMENTATION

AND

LAND USE DECISION MAKING

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GUIDE SHEET #1

LOCAL IMPLEMENTATION

THE ROLE OF PLANNING AND ZONING IN LOCAL LAND USE DECISION MAKING

"Over the past decade, zoning has become a much used word in the vocabulary of the average citizen. This does not mean, however, that the word has achieved a consensus of meaning nor that the average citizen has learned to distinguish between good and bad zoning. Nor does it mean that everyone is in favor of zoning. It does mean that the course of events has led to the legal tool to help control the phenomenal growth and development which has taken place in this country and we call this tool-zoning.

As more and more communities adopt new zoning ordinances and revise old ones, the responsible citizen finds his curiosity sharpened to learn more about the subject. Since effective zoning is dependent upon the support of informed, concerned citizens, it is important to have a good understanding not only of the term, but of all the ramifications of this essential element of the democratic process."

- Herbert Smith -

OBJECTIVES

This audio-tutorial unit is designed to aid you in becoming an informed and concerned citizen. At the conclusion of the unit, you should be able to:

1. Describe the zoning authority given to communities by the Connecticut State Statute on zoning regulations.

2. Interpret the zoning regulations which have been adopted by your community.

3. Identify residential, business and manufacturing zones on a composite zoning map.

4. Compare and contrast specific zoning classifications using information available on a schedule of zoning requirements.

5. Develop an outline of the major components that are generally incorporated into zoning ordinances in the State of Connecticut.

6. Identify the members of your community's planning commission, zoning commission and zoning board of appeals.

7. Propose new reasons for periodically reviewing and revising your community's development plan and zoning regulations.

8. Describe the role of zoning regulations in the determination of the types of land uses that should be permitted in a flood plain.

GUIDE SHEET #2

COMPARISON OF THE PURPOSES OF THE STATE

and

SELECTED LOCAL ZONING LEGISLATION

The following section of the Connecticut Statutes describes the role of zoning regulations in land use decision making. Key phrases that have been used since the inception of zoning practices are underlined. Study the general statute and then see how the communities of Woodbridge and Hamden have modified the purpose of the statutes to meet their own special needs.

How does the statement of purpose in your community's zoning regulations compare to these two examples? Obtain a copy of your town's regulations and compare and contrast them with those of Woodbridge and Hamden.

A. Connecticut State Statutes

Section 8-2. The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality, the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and the height, size and location of advertising signs and billboards. Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district, and may provide that certain classes or kinds of buildings, structures or use of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commisssion, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values. Such regulations shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provisions for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality. Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations. Any city, town or borough

which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough: but unless it is so voted municipal property shall be subject to such regulations.

B. Zoning Regulations for the Town of Woodbridge

1.2 PURPOSE - Town of Woodbridge Zoning Regulations

1.21 These Regulations are designed to promote the purposes authorized by Chapter 124, Section 8-2 of the Connecticut General Statutes, including, among others, the following: to regulate the height, number of stories and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes; to regulate the height, size and location of advertising signs and billboards within the limits of the Town: to divide the Town into districts of such number, shape and area as may be best suited to carry out the purposes of the statute; to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land in accordance with a comprehensive plan; to lessen congestion in the streets: to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air: to prevent the overcrowding of land; to avoid undue concentration of population: to facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements with full consideration of the character of the districts and their suitability for particular uses; to conserve the value of buildings and encourage the most appropriate use of land throughout said town.

C. Zoning Regulations for the Town of Hamden

Section 100 - PURPOSE AND AUTHORITY

In accordance with the provisions of Chapter 124 of the 1958 Revision of the General Statutes of the State of Connecticut, as amended, the Plan and Zoning Commission of the Town of Hamden hereby adopts the following Zoning Regulations for the Town of Hamden, Connecticut for the following purposes: "Promoting the health, safety, morals, and general welfare of the community; lessening congestion in the streets; securing safety from fire, panic and other dangers: providing adequate light and air: preventing the overcrowding of land and avoiding undue concentration of population: facilitating adequate provision for transportation, water, sewerage, schools, parks and other public requirements; conserving the value of buildings and encouraging the most appropriate use of land throughout the town: providing for the public health, comfort and general welfare in living and working conditions; regulating and restricting the location of trades and industries and the location of buildings designed for specified uses; regulating and limiting the height and bulk of buildings hereafter erected and regulating and determing the area of yards, courts and other open spaces for buildings hereafter erected, the Town Plan and Zoning Commission of Hamden hereby adopts the following regulations for the Town of Hamden

GUIDE SHEET #3

YOUR TOWN's ZONING ORDINANCES

Are you familiar with your community's zoning ordinances and the people responsible for enforcing the regulations outlined in the ordinance? To be a successful land use decision maker, you must have this information at hand. Take time to complete this guide sheet now. If there are several questions you can't answer, spend some time at the conclusion of the A-T unit in finding answers to these questions.

1. Has your town adopted a zoning ordinance? _____
   (Note: In 1972 - 148 of Connecticut's 169 municipalities had adopted zoning controls.)

2. How many members preside on your zoning commission? _____

3. Who is responsible for zoning enforcement in your municipality? _____
   _____
   (Note: In many communities the zoning officer is also the town building inspector.)

4. Does the Zoning Board of Appeals hold hearings on certain days of the month? _____ If so, when? _____. _____.
   (Note: Hamden, for example, has a monthly schedule whereby the first week of the month is reserved for planning commission hearings. The second week of the month is reserved for zoning and planning hearings. The third week is reserved for zoning commission hearings. The fourth week is reserved for special use, if any meetings need be continued, etc.)

5. What right does you community have to adopt a zoning ordinance? _____
   _____.
   (Note: Your municipality is empowered by the state law to regulate zoning on the local level.)

6. Do you know how your neighborhood is zoned? _____.
   What are the types of development permitted in this zone? _____
   _____ _____. What type of zone is adjacent to the zone in which you live? _____. Are you satisfied with this arrangement? _____.

Now that you have answered these questions, turn the recorder back on. (Note: If there are any questions unanswered, spend some time this week in updating your bank of information on your town's zoning procedures.)

GUIDE SHEET #4

A SURVEY OF LAND USE DECISION MAKERS

In October 1974, over two hundred individuals directly involved in land use decision making in Connecticut were surveyed to obtain their perspective on the priorities for citizen information about land use. The table below summarizes the results by giving the percentage of respondents indicating each choice.

THE RESULTS

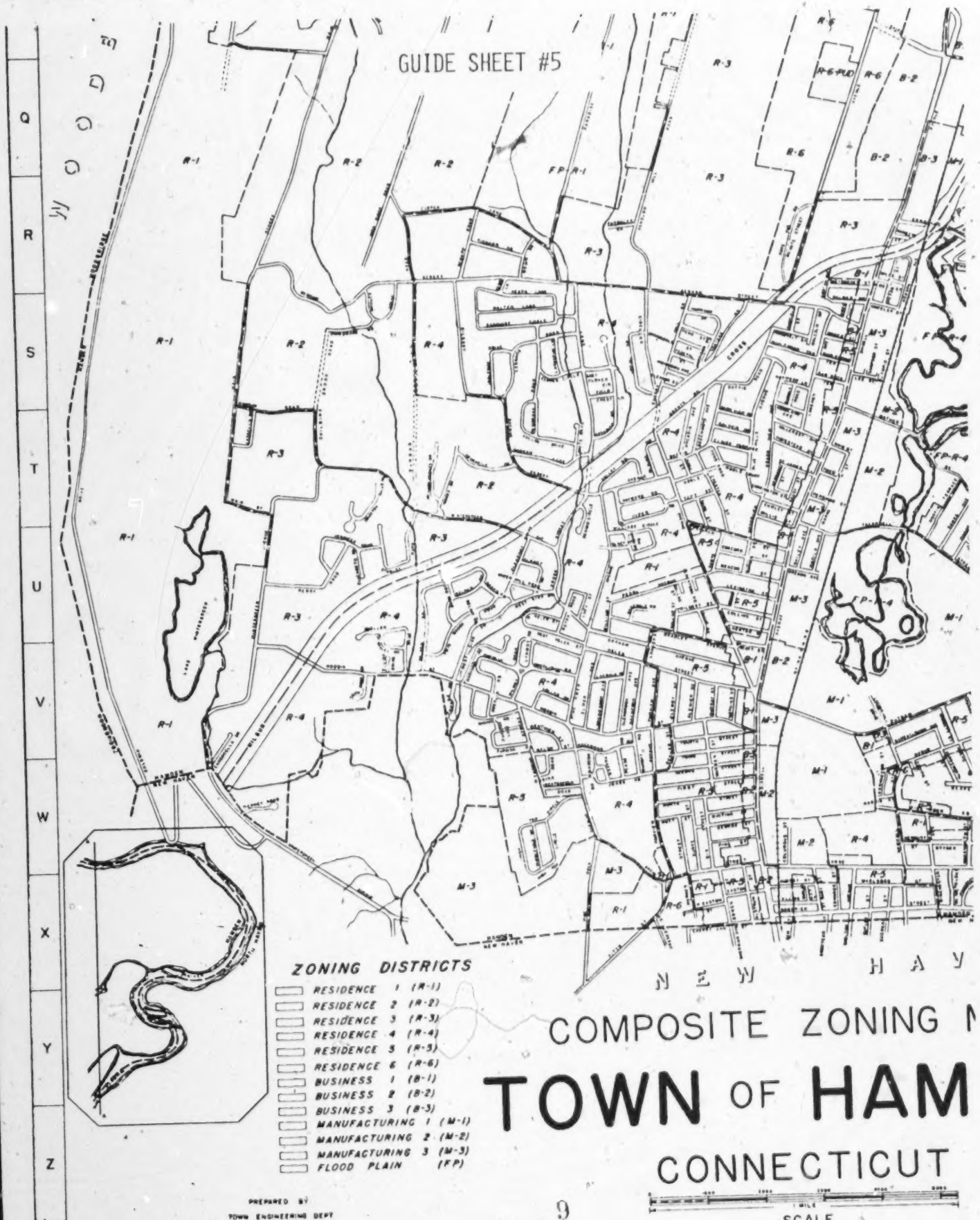
In land use decision making there are many topics which may be of value to the citizens of your community. Please read the following list and indicate the level of importance of each of the topics for citizens in your community as they make land use decisions.

	Very Important	Important	Of Limited Importance
General map reading skills			
Ability to interpret:			
*topographic maps	100%	--	--
+bedrock-geology maps	26%	54%	20%
surficial geology maps	15%	45%	40%
*zoning maps	87%	11%	2%
+aerial photographs	14%	65%	21%
*soil survey maps	82%	12%	6%
unconsolidated material maps	9%	25%	66%
Knowledge of:			
+basic soil types	17%	80%	3%
+percolation rates	15%	74%	10%
historical landmarks	13%	37%	50%
+unique habitat	26%	62%	12%
*flood prone areas	90%	17%	3%
+unique vistas	10%	70%	19%
*wetland regulations	78%	20%	2%
*available ground water	81%	17%	2%
+zoning ordinances	31%	65%	4%
condemnation procedures	0%	19%	82%
the taking issue	0%	26%	74%
Riparian rights	0%	9%	91%
+air quality regulations	23%	64%	13%
+water quality regulations	21%	64%	15%
health regulations	61%	35%	4%
tax laws	36%	34%	40%
*septic systems regulations	61%	35%	4%
benefit-cost analysis	0%	25%	75%
+development costs	0%	70%	30%
+recreation needs	25%	75%	0%
Familiarization with:			
*water inventories	95%	5%	0%
*land use inventories	94%	6%	0%
+zoning inventories	21%	69%	10%
+census data	15%	60%	25%
+population growth data	11%	65%	24%

Over 90% or the respondents indicated that they believed citizens should be involved in land use decision making by attending public hearings, by joining advisory committees and by maintaining interest in the functioing of local governments.

* Over 50% or the respondents consdiered topic very important

\+ Over 50% of the respondents considered topic important



COMPOSITE ZONING M

TOWN OF HAM

CONNECTICUT

9

GUIDE SHEET #6

SCHEDULE OF ZONING REQUIREMENTS - RESIDENTIAL REGULATIONS

Zone	Lot Size	Lot Width	Land Area per D.U.	Front Yard	Side Yards	Rear Yard	Lot Coverage	Floor Area per D.U.	Height
R-1	80,000 sq. ft.	200' min.	80,000 sq. ft.	50' at lot line/not less than 85' measured from C.L.	30% of lot width/none less than 25'	50' min.	25% max.	1,000 sq ft. for one floor/1,200 sq. ft. two or more floors	30' max
R-2	40,000 sq. ft.	120' min.	40,000 sq. ft.	40' at lot line/not less than 75' measured from C.L.	25% of lot width/none less than 20'	40' min.	25% max.	1,000 sq. ft. for one floor/1,200 sq. ft. two or more floors	30' max.
R-3									
No. Utl.	40,000 sq. ft	120' min.	40,000 sq. ft.	40' at lot line/not less than 75' measured from C L. of street	each 15' min.	50' min	25% max	1,000 sq. ft. for one floor/1,200 sq. ft. two or more floors	30' max.
One Utl.	30,000 sq. ft.	120' min.	30,000 sq. ft.						
All Utl.	20.000 sq. ft.	100' min	20.000 sq. ft.						
R-4	10,000 sq. ft.	80' min	10,000 sq. ft	25'	each 12' min.	25' min.	30% max.	700 sq. ft. for one floor/950 sq. ft. two or more floors	30' max.
R-5	6,000 sq. ft.	60' min.	2,500 sq. ft.	25'	10' min.	25' min	30% max.	700 sq. ft. for one floor/950 sq. ft. two or more floors	30' max.
R-6	6,000 sq. ft.	60' min.	2.000 sq. ft.	20'	10' min.	25' min.	30% max.	700 sq. ft for one floor/950 sq. ft. two or more floors	35' max.

GUIDE SHEET #7

SCHEDULE OF ZONING REQUIREMENTS - A BUSINESS REGULATION

Zone	Lot Size	Lot Width	Land Area per D.U.	Front Yard	Side Yards	Rear Yard	Lot Coverage	Floor Area per D.U.	Heigh
B-1	5,000 sq. ft.	50' min.	- - -	10'	10' min.	10'	30% max.	- - -	35' max.
B-2	5,000 sq. ft.	50' min.	- - -	10'	10' min.	10'	30% max.	- - -	35' max.
B-3	5,000 sq. ft.	50' min.	- - -	10'	10' min.	10'	30% max.	- - -	35' max.

MANUFACTURING

Zone	Lot Size	Lot Width	Land Area per D.U.	Front Yard	Side Yards	Rear Yard	Lot Coverage	Floor Area per D.U.	Heigh
M-1	20,000 sq. ft.	90' sq. must fit in	- - -	50'	each 10'	25'	50% max.	- - -	40' max.
M-2	20,000 sq. ft	90' sq. must fit in	- - -	25'	each 10'	25'	35% max.	- - -	40' max.
M-3	20,000 sq. ft	90' sq. must fit in	- - -	25'	each 10'	25'	35% max.	- - -	40' max.

GUIDE SHEET #8

OUTLINE OF A TYPICAL ZONING ORDINANCE

On guide sheet # 8 is a presentation of a typical zoning ordinance in outline form. The ordinance is divided into articles and numbered sections. The numbered sections may be even further subdivided.

Outline of a typical ordinance.

I. Purpose

II. General Provisions
Section xx - Definitions
xx - Zoning Districts
xx - Non-conforming Uses
xx - Special Use Permit
xx - Site Plans
xx - Natural Resource Removal

III. Residential Zoning District Regulations
Section xx - Residential - 1
xx - Residential - 2
xx.1-Permitted Uses
xx.2-Lot Sizes and Areas
xx.3-Yard
xx.4-Maximum Height
xx.6-Special Permit Uses

IV. Business Zoning District Regulations
Section xx - Business - 1
xx - Business - 2

V. Manufacturing Zoning District Regulations
Section xx - Manufacturing - 1
xx - Manufacturing - 2

VI. Planned Unit Developments
Section xx - Purpose
xx - Objectives
xx - Qualifying Standards

VII. Zoning Board of Appeals
Section xx - Powers and Duties

VIII. Administration and Enforcement
Section xx - Administration
xx - Building Permits
xx - Certificate of Occupancy

IX. Validity

X. Effective Date

GUIDE SHEET #9

WHO MAKES PLANNING AND ZONING DECISIONS IN YOUR TOWN?

Planning and zoning decisions have wide reaching effects upon the social, political, economic and environmental future of your community. This exercise is designed to help you identify who makes your community's planning and zoning decisions, and the occupational interests and expertise they bring to the decision making process.

A. Connecticut State Law provided for the formation of a zoning commission consisting of five and no more than nine members. In _____ (name of city or town) the commission members are:

	name	occupation	phone #
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			

B. Connecticut State Law provides for the formation of a planning commission to function as a resource body in the development of a comprehensive town plan. The planning commission may be integrated into a planning and zoning comission or may be a separate body. In _____ (name of city) the planning commission is:

( ) integrated into a planning and zoning commission.
( ) is a separate commission consisting of the following members:

	name	occupation	phone #
1.			
2.			
3.			
4.			
5.			
6.			

C. Connecticut State Law provides for the establishment of a Zoning Board of Appeals consisting of five members and three alternates. In our community the Zoning Board of Appeals consists of:

	name	occupation	phone #
1.			
2.			
3.			
4.			
5.			

Alternates

1.			
2.			
3.			

These members are appointed to the Zoning Board of Appeals by _____.

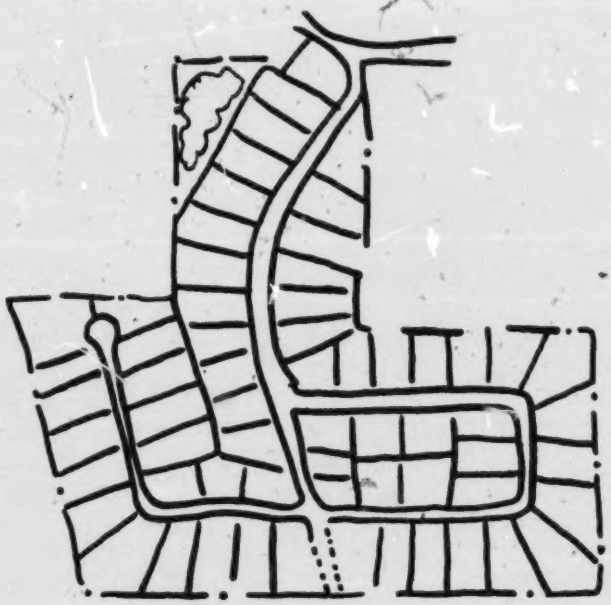
D. The zoning officer for our community is _____ phone # _____.

GUIDE SHEET #10

COMPARISON OF CLUSTER DEVELOPMENT WITH A SUBDIVISION PLAN ON THE SAME LAND PARCEL

SUBDIVISION PLAN

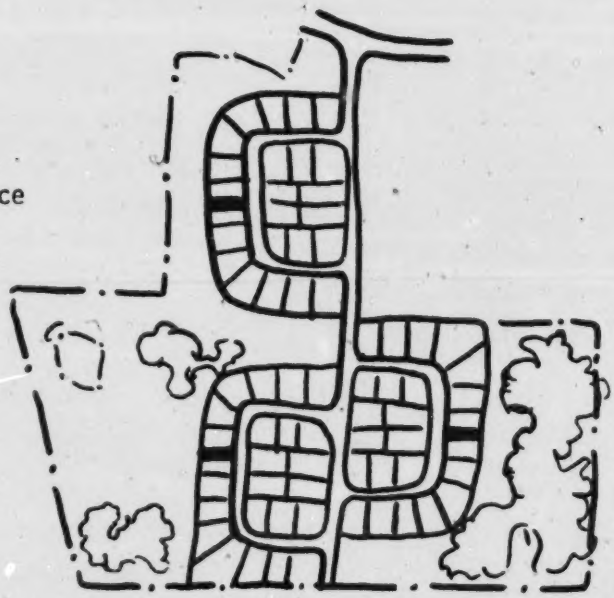
- 62 lots
- limited open space for community as a whole
- developer must utilize all land area for building even areas with unsuitable conditions



CLUSTER PLAN

- 72 lots
- greater amount of open space in relation to developed space
- areas with unsuitable conditions need not be developed

▬ = corridor to open space



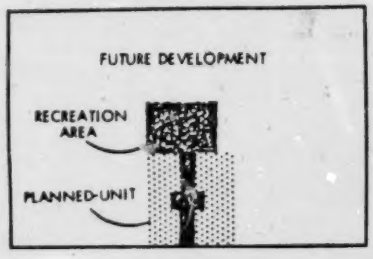
GUIDE SHEET #11

A PLANNED-UNIT MAY START SMALL -- AND THEN EXPAND

A Planned Unit may start small and then expand. The time span for completing the planned unit development may cover several years and must proceed in organized stages approved by the Zoning and Planning Commission.

STAGE 1 The developer proceeds with about 50 homesites with a major recreation area. The developer finishes landscaping and installs several tennis courts but, defers building expensive facilities like a swimming pool because of the small number of homes in stage two.

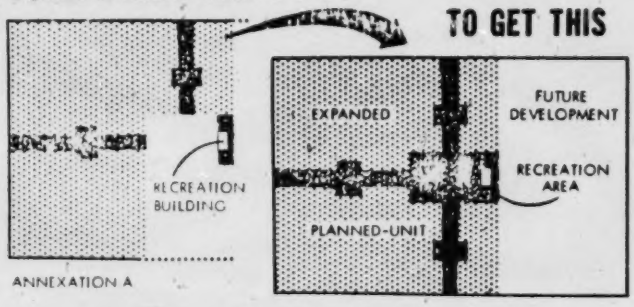
STAGE 1 CREATES THIS . . .



STAGE 2 In stage 2, a major recreation building is constructed and the developer adds on some townhouses and a cluster of single family homes... all are members of the original home owner's association.

STAGE 2 ADDS THIS . . .

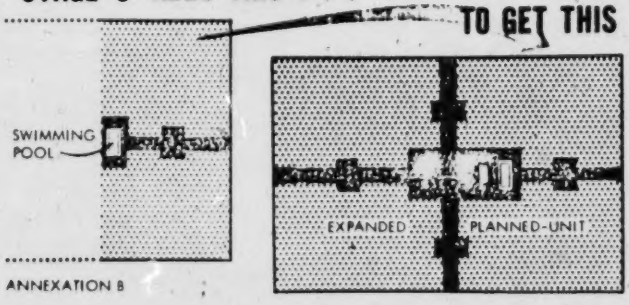
TO GET THIS



STAGE 3 The addition of a school and shopping center to increase the self-sufficiency of the area. The recreation area is expanded to include a pool facility.

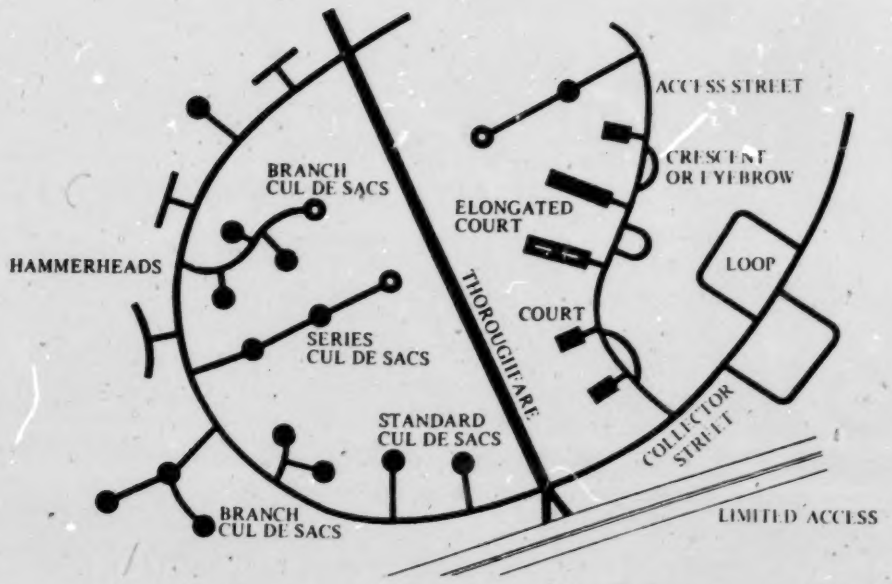
STAGE 3 ADDS THIS . . .

TO GET THIS



GUIDE SHEET #12

ROAD SYSTEM DESIGN



1. Arterial Streets should not be used for car access to homesites. The backing of cars into fast moving traffic is too hazardous.

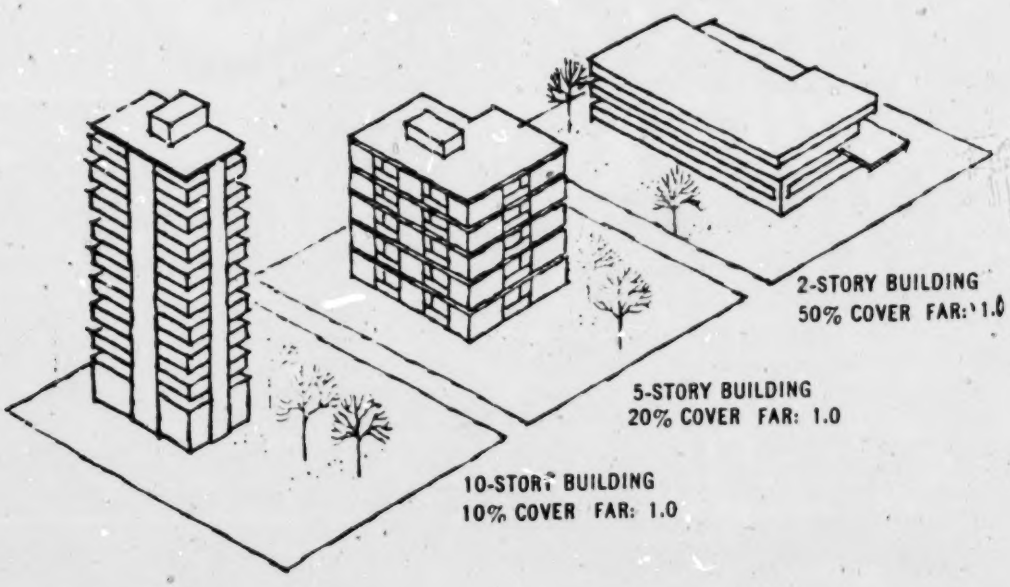
2. Collector Streets should provide access between the major arteries to a network of minor access streets on which the homesites are located. Not location of collection near perimeter of development as it serves this function.

3. Short loop Streets and cul-de-sacs are best for minor streets, provide safest access to and from homesites.

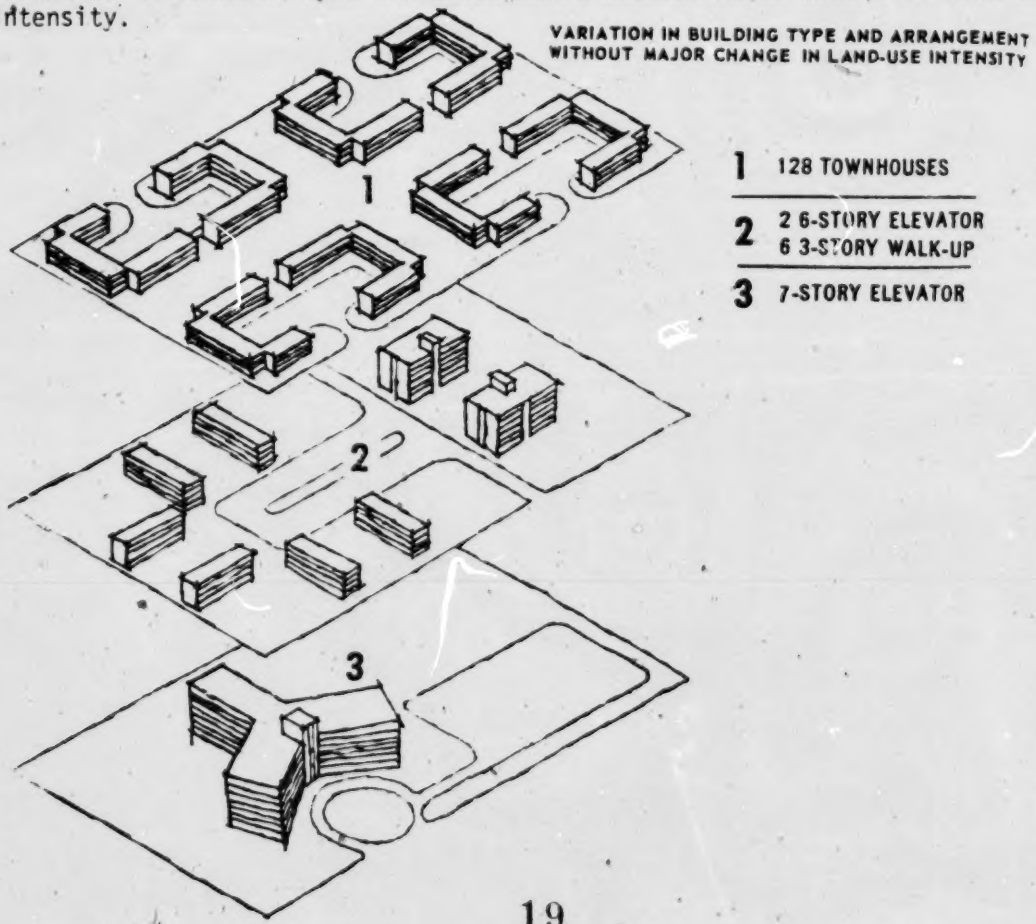
GUIDE SHEET #13

VARIATIONS

A. Variable arrangement of building bulk with the same floor area ratio(FAR).

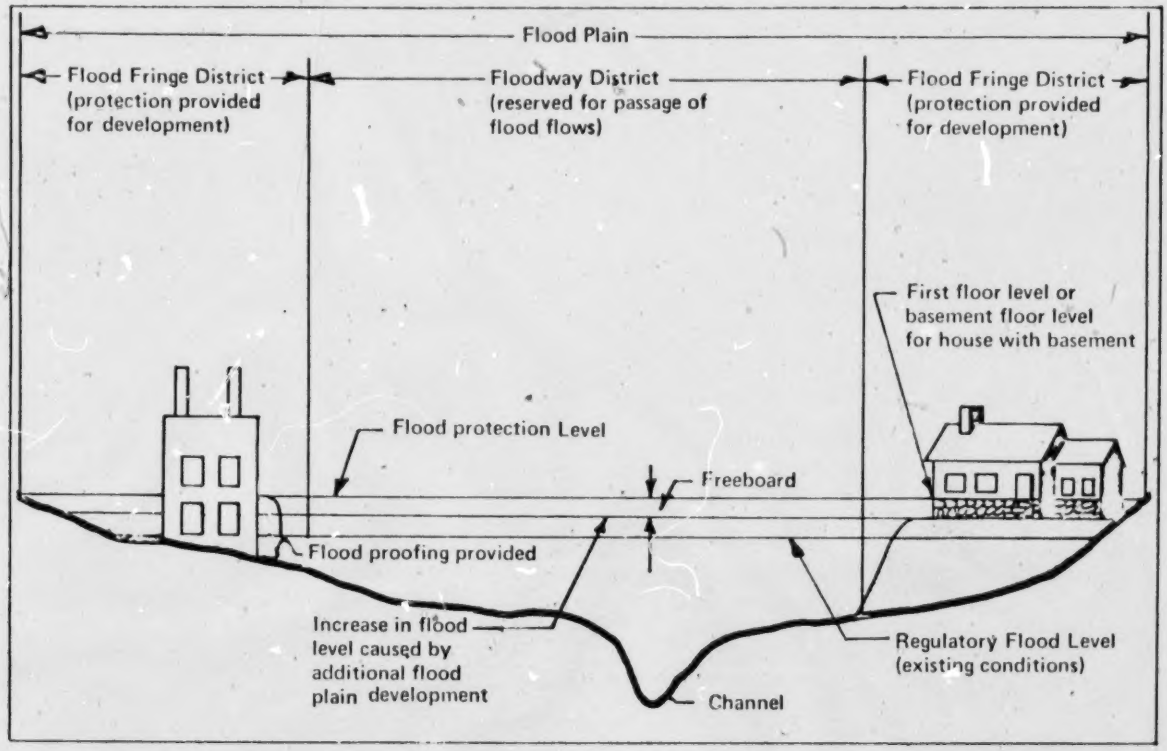


B. Variation in building type and arrangement without major change in land-use intensity.



GUIDE SHEET #14

EXAMPLE OF TWO FLOOD PLAIN DISTRICTS


Flood Plain
Flood Fringe District (protection provided for development)
Floodway District (reserved for passage of flood flows)
Flood Fringe District (protection provided for development)
First floor level or basement floor level for house with basement
Flood protection Level
Freeboard
Flood proofing provided
Increase in flood level caused by additional flood plain development
Regulatory Flood Level (existing conditions)
Channel

Regulatory Flood Plain -composed of regulatory floodway and the regulatory flood fringe. It is the area adjoining a river or stream which is inundated by flood discharge.

Regulatory Floodway - unobstructed portion of a flood plain consisting of the stream channel and overbank areas capable of conveying a selected flood discharge and keeping it within designated heights and boundaries intended to carry deep, fast moving water.

Regulatory Flood Fringe - portion of flood plain beyond floodway floodwaters in this area are usually shallow and slow moving.

Common Elements in Flood-Plain Regulations

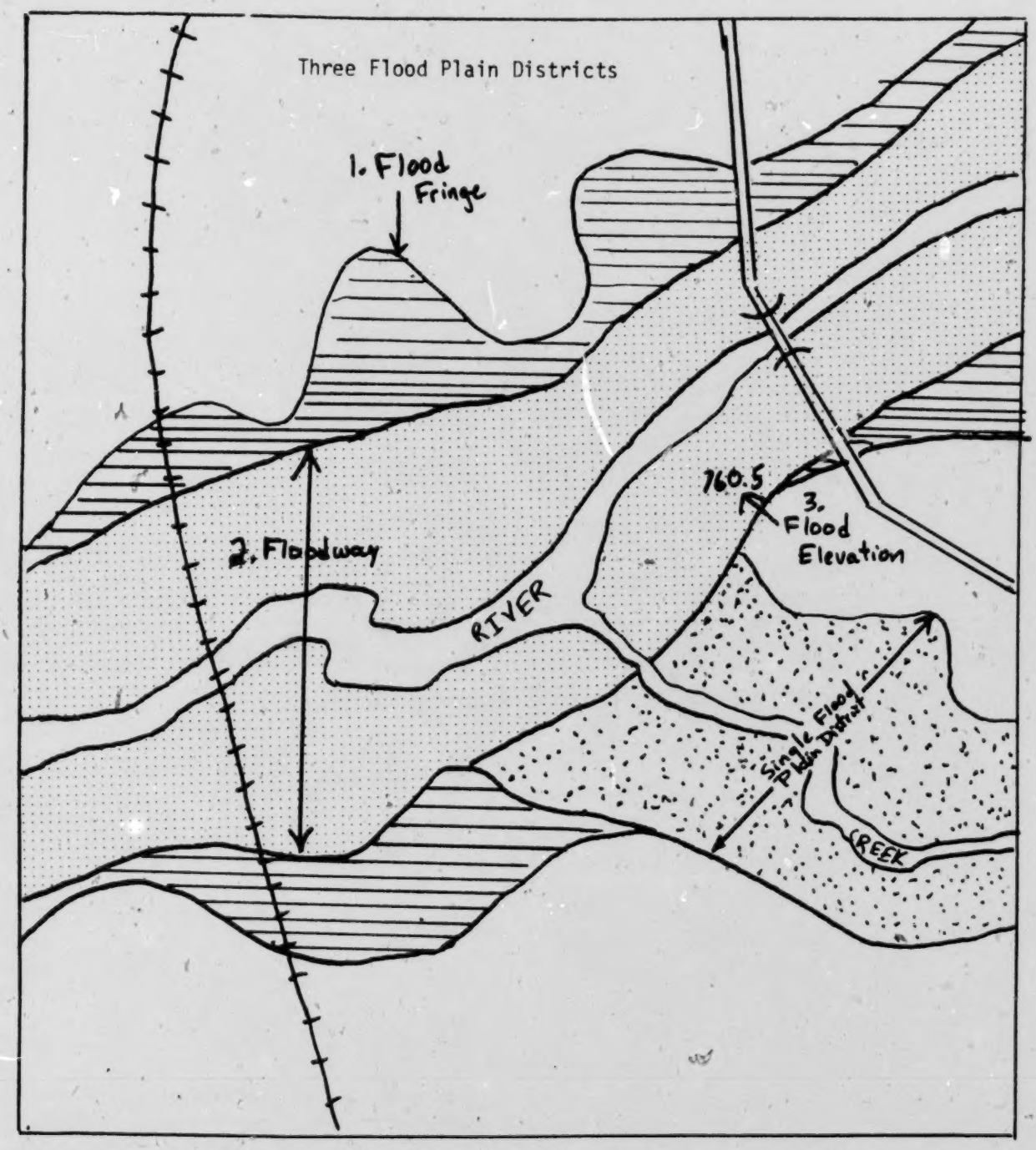
Flood-Plain regulations, whether in more comprehensive zoning ordinances or as a separate ordinance, should incorporate the following elements which correspond approximately to the elements in Examples One-Four.

(1) Finding of Facts
(2) Purposes and Objectives
(3) Establishment of Flood-Plain Zoning Map
  (a) Rules for Interpretation of District Boundaries
  (b) Warning and Disclaimer of Liability
(4) Flood-Plain District Regulations
  (a) Floodway-Use Standards
  (b) Flood-Fringe-Use Standards
(5) Administrative Provisions
  (a) Variances
  (b) Mapping Disputes
  (c) Special-Use Permits
    1) Procedure to be followed in Passing on Special-Use Permits
    2) Factors upon Which Decisions are to be Based
    3) Conditions Attached
(6) Nonconforming Uses
(7) Definitions

Source: Regulations for Flood Plains. Jon A. Kusler and Thomas M. Lee. Planning Advisory Service Memo, Report No. 277, February, 1972.

GUIDE SHEET #15

EXAMPLE OF FLOOD PLAIN ZONING



The three district approach here combines the two districts and one district approaches. On the River the two districts are used because data are available for determining the flood fringe (1) and floodway (2) and the flood elevation (3). On the creek the single flood plain district is appropriate because data are unavailable for defining flood fringe, floodway, and flood elevation.

Source: Regulations for Flood Plains. Jon A. Kusler and Thomas M. Lee. Planning Advisory Service Memo, Report No. 277, February, 1972.

GUIDE SHEET#16

A SUMMARY OF ORDINANCE PROVISIONS FOR THE THREE FLOOD PLAIN DISTRICTS EXAMPLE

(See guide sheet # 15)

TABLE 4 – EXAMPLE III. THREE FLOOD-PLAIN DISTRICTS WITH SUMMARY OF ORDINANCE PROVISIONS

OBJECTIVES

1. Reserve the floodway in open space by prohibiting fill, structures, and storage of certain materials.
2. Require buildings in flood-fringe areas to be elevated above the regulatory-flood level.

ESSENTIAL ELEMENTS NEEDED TO ACCOMPLISH OBJECTIVES

1. Regulatory-floodway delineation
2. Regulatory-flood-plain delineation
3. Regulatory-flood profile

	TWO DISTRICTS		SINGLE DISTRICT
Applicability	Where All Three Elements Are Known		Where One or More of the Three Elements are Unknown
Name of District	Flood-Fringe District	Floodway District	General Flood-Plain District
Prohibited Uses	Those prohibited in zoning ordinance	Structures and fill	Those prohibited in zoning ordinance
Permitted Uses	Permitted zoning uses provided such uses are elevated on fill above the regulatory-flood elevation shown on the map	Open-space uses such as parks, agriculture, and parking	Open-space uses such as parks, agriculture, and parking
Special Permit	Floodproofing techniques other than fill such as reinforced concrete walls	Structures that are accessory to open-space uses such as a boathouse	All structures, fill, and storage of materials. The applicant is required to submit to the board of adjustment plans, river cross sections, and stream slope at the site. The board will transmit such data to a technician who will approximate the regulatory-flood height and determine if the proposal is in the regulatory-floodway or flood-fringe district.

NOTE: When regulatory-flood data are available for only one of several streams, all three flood-plain districts should be used, the Two-District approach for streams having all three elements and general flood-plain district for streams without such data. When regulatory-flood data is available, the change is made on the zoning map and the two-district provisions then apply.

Source: Regulations for Flood Plains. Jon A. Kusler and Thomas M. Lee. Planning Advisory Service Memo, Report No. 277, February, 1972.

WORDS WORTH KNOWING

Accessory use. An activity or structure incidental or secondary to the principal use on the same site.

Aesthetic zoning. The regulation of building design and site developments in the interest of appearance. ". . . It is within the power of the legislature to determine that the community should be beautiful as well as healthy," said Mr. Justice William O. Douglas in delivering the majority decision to Berman V. Parker.

Architectural control. Regulation and procedures requiring structures to be suitable, harmonious, and in keeping with the general appearance, historical character, or style of their surrounding area.

Area Requirements. The designation given to the specific requirements set forth in a zone or district by the zoning ordinance text. Area requirements refer to the numberical standards established for a lot or yard in a particular zone. Area requirements can also refer to structures and, in some ordinances, a minimum dwelling size is established and is considered to be an area requirement of the zoning ordinance.

Bonuses (also known as incentive zoning). The awarding of bonus credits to a development in the form of allowing more intensive use of the land if such public benefits as greater than the minimum open spaces are preserved, special provisions for low-and-moderate-income housing are made, or public plazas and courts are provided at ground level.

Buffer Strip or Zones. An area established to protect one type of land use from the possibility of undesirable characteristics of another. This is usually applied between industrial and residential zones with the requirement being that the industrial zone must provide a buffer strip between its boundaries and that of the residential zone. The purpose is to screen out any potential objectionable features of the more intensive utilization of land from that of the less intensive.

Building area. The total square footage of a lot covered by a building measured on a horizontal plane at mean grade level, exclusive of uncovered porches, terraces, and steps.

Building envelope. The net space that remains for placing a structure on a site after building line, setback, side yard, height, and bulk regulations are observed.

Building line. A building limit fixed at a specific distance from the front or side boundaries of a lot beyond which a structure cannot lawfully extend.

Bulk regulations. Zoning or other regulations that by controlling the height, mass, density, and location of buildings set a maximum limit on the intensity of development so as to provide proper light, air, and open space.

Cluster development (or Zoning). A type of development that allows the reduction of lot sizes below the zoning ordinance's minimum requirements if the land thereby gained is preserved as permanent open space for the community. Often the developer will try to offer as open space the unbuildable lands, i.e., the very steep gullies and ravines that were left over from the building process on the site.

Common open space. Means a parcel or parcels of land, or an area of water, or a combination of land and water, within the site designated for a planned unit development, and designed and intended for the use and enjoyment of residents of the planned unit development and may contain such complementary structures and improvements as are necessary and appropriate from the benefit and enjoyment of such residents.

Comprehensive Zoning. A zoning ordinance and map based upon sound comprehensive studies and investigations and, preferably, based upon a development or master plan for the municipality. This term is used to distinguish zoning which is comprehensive in nature, dealing with all aspects of the community development, from zoning which is piecemeal and haphazard. Comprehensive zoning will have behind it careful studies dealing with land use, population, traffic circulation, economy municipal services and facilities as well as a projected future land utilization plan.

Court Case. A court case involving a zoning matter results when a difference of opinion develops concerning the zoning ordinance. An applicant can apply to the zoning officer, be turned down, appeal to the zoning board and be refused and then challenge the property of this refusal in court with the resulting court case. On the other hand, any individual is entitled to challenge the provisions of the zoning ordinance when it is adopted or to challenge the constitutionality or the provisions of zoning at any time. Such a challenge will be referred to the courts and it becomes a court case involving the zoning ordinance.

Density-Controls. A technique used in zoning to establish the number of dwelling units of any particular kind which may be developed in a given area of land. A minimum lot size is established, but this can be reduced as long as the density of families does not exceed that which has been

established as desirable for the area. In other words, a 100-acre tract which would nominally be zoned for half-acre would probably result in some 160 to 170 dwelling units, with allowance for streets and roads. Density control will permit the 100 acres to be developed with the individual lots being perhaps 12,000 to 15,000 square feet, as long as the over-all density of the 100 acres does not exceed the 160 to 170 families. The remaining portions of the land left in the 100 acres is then set aside for public purposes, usually recreational in nature.

Environmental Impact. An assessment of a proposed project or activity to determine whether it will have significant environmental effects on the natural and manmade environments. When no significant environmental impact will result, a "negative declaration" is submitted instead of the Environmental Impact Report (EIR) which is the detailed report on how the project will affect the environment. (An EIR may also be known as an Environmental Impact Statement or EIS). Significant environmental effects are generally associated with those actions which:

1. Affect existing environmental components such as air and water quality, wildlife habitats, and food chains.
2. Distrupt neighborhood or community structure (i.e., displace low-income people).
3. Further threaten rare or endangered plant or animal species.
4. Alter or substantially disrupt the appearance or surroundings of a scenic, recreational, historical, or archaeological site.
5. Induce secondary effects such as changes in land use, unplanned growth, or traffic congestion.

Exception. A term applied to a function of the zoning board allowing the granting of an exception to the provisions of the ordinary rather than a variance. The word exception is usually proceeded by the modifying word, special. This implies that within the framework of the ordinance an unusual circumstance is anticipated and special provisions are set forth in the ordinance text which state that when certain things happen an exception can occur.

Final subdivision map (or plat). A map of an approved subdivision filed in the county recorder's office. It usually shows surveyed lot lines, street rights-of-way, easements, monuments, and distances angles, and bearing, pertaining to the exact dimensions of all parcels, street lines, and so forth.

Flood Fringe. That portion of the floodplain outside the floodway.

Flood Plain. The land adjacent to a body of water which has been or may be hereafter covered by flood water including but not limited to a regulatory flood.

Flood Profile. A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

Flood Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

Floodway. The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any river or stream associated with the regulatory flood.

Floor Area Ratio (FAR). Square floot amount of total floor area (all stories) for each square foot of land area of a property.

Hardship. An unusual situation on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the community. A hardship exists only when it is not self-created or when it is not economic in nature. In other words, a true hardship exists only when the literal interpretation of the requirements of the ordinance would place an individual in an unusual circumstance and would, in so doing, deny him the right to use his property for any purpose, or create an unnecessary burden on him.

Land Use Intensity. Establishes the total permitted floor area, minimum amounts for open space, non-vechiculars livability space and recreation space for each square foot of floor area of a property.

Municipality. Means the unit of government which is encompassed within the boundaries of a town.

Non-conforming use. A use of land or a use of structure which is not in conformance with the conditions and requirements of the zoning ordinance. A non-conforming use usually predates the adoption of an ordinance or an amendment. An example is where a grocery store developed in a residential neighborhood prior to the adoption of a zoning ordinance. The grocery store use would be permitted to continue as a non-conforming use after the adoption of the ordinace. The term non-conforming can also apply to undersized lots where there is a non-conformity because of failure to meet the established yard, setback or area requirements. In most state zoning enabling acts, a non-conforming use is given recognition and is permitted to continue into perpetuity. A few states have adopted enabling acts which permit a community to establish an amortization period and to require that non-conforming uses be discontinued after a reasonable period of time has elapsed for the amortization thereof.

Owner. Means the legal or beneficial owner or owners of the land.

Planned unit development. Means an area of land controlled by an owner, to be developed as a single entity for not less than twenty-five dwelling units, the plan for which does not correspond in lot size, bulk, type of dwelling, density, lot coverage and required open space to the regulations established in any zoning district created, from time to time, under the provisions of the zoning ordinances or regulations of the municipality.

Permitted Use. The utilization of land which may take place in any zone district as set forth by the zoning ordinance.

Preliminary subdivision map. The first formal submission by a subdivider is usually in the form of a map with accompanying documents providing the information about the proposed subdivision required by the local subdivision ordinance. Generally the following information is contained on the preliminary map: name of subdivision; its location, acreage, owner, and engineer or surveyor; the location of property line, roads, existing utilities and their bearings and dimensions; names of adjoining properties; zoning classification of the property; proposed water, sewer, drainage.

Public Notice. Almost all zoning ordinances establish procedures for the conducting of public hearings or for the amending or changing of the ordinance. In each case, there will be a provision requiring public notice. This means that the public is to be informed and given an opportunity to be heard before the official action can be taken. In the case of a zoning amendment, public notice is usually the publication of the amendment itself with an announcement that it will be considered for passage at a certain time and place. In the case of a zoning variance, public notice may consist of a newspaper announcement as well as the mailing or delivery of a personal service of notice upon all property owners within a certain distance from the property to be affected.

Revision of Ordinance. A revision of a zoning ordinance is distinguished from a zoning amendment in that the revision is considered to be more comprehensive. A revision usually results in a total reorganization of the ordinance and the map.

Rezoning. Rezoning is a familiar term applied to both zoning amendments and zoning revisions. It is the commonly accepted term which refers to any change in the zoning ordinance.

Setback regulations. The requirements of building laws that a building be set back a certain distance from the street or lot line either on the street level or at a prescribed height. Their aim is to allow more room for the pedestrian or reduce the obstruction to sunlight reaching the streets and lower stories of adjoining buildings.

Special Permit. This is similar to the exception, except that rather than being a permitted use as an exception, a degree of discretion is built into the ordinance by the terms which are set forth, giving to either the zoning board or the planning board the right of determination as to the compatibility of the proposed use with the comprehensive plan of the municipality, as well as other stated considerations. The idea is that the use of a special nature can be permitted in a zone in which it would not ordinarily be a permitted use because of the additional safeguards that have been placed in the special requirements.

Spot zoning. The awarding of a use classification to an isolated parcel of land which is detrimental or incompatible with the uses of the surrounding area, particularly when such an act favors a particular owner. Such zoning has been held to be illegal by the courts on the grounds that it is unreasonable and capricious. A general plan or special circumstance such as historical value, environmental importance, or scenic value would justify special zoning for a small area.

Strip zoning. Any zoning for any purpose usually found along a major roadway which is placed simply as a pattern following the outline of the road and without foundation in comprehensive study or in fact. Strip zoning most frequently is commercial strip zoning along highways.

Subdivision. The process of laying out a parcel of raw land into lots, blocks, streets, and public areas. Its purpose is the transformation of raw land into building sites. In most states, a subdivision is defined as the division of a tract of land into five or more lots. In many states the division of land into four lots or less is known as lot split or land division, and in many jurisdictions it escapes the public improvement requirements of subdivision regulations.

Variance. A variance is the granting of relief from the terms and conditions of the zoning ordinance It is a prerogative of the zoning board of adjustment or appeals when application is made to them by an individual. It should be granted only if the individual has proved that he cannot be fairly treated unless certain of the requirements of the ordinance are relaxed in his particular situation.

Zoning Amendment. A change or revision of the zoning ordinance or map. This must be done by legal process established by the enabling legislation of the particular state in which the municipality is located. There will be the necessity of the drafting of the amendment, submitting to the governing body, conducting of the public hearings and official adoption before it can be made a part of the zoning ordinance.

Zoning Appeal. An appeal filed by an individual who has applied to the zoning officer for a zoning permit and who has been turned down for non-compliance with the requirements of the

ordinance. The zoning ordinance itself will set forth the procedure which must be followed in filing such an appeal. A time element is stated and the applicant must take his action within this period. An appeal must also be filed on appropriate forms which have been adopted as part of the zoning policy within the community.

Zoning Board. The term used to refer to the zoning board of appeals in some states or the zoning board of adjustment in others. Regardless of designation, it is a group of individuals, usually five in number, created officially by the adoption of the ordinance and appointed by the mayor or by the governing body. Their purpose and function is to review applications for variances or exceptions, and to decide whether there is a legitimate reason for granting the applicant the relief which he desires, or the exception which he has requested.

Zoning Commission. A group of citizens of a community appointed by the governing body for the purpose of formulating the zoning ordinance text and map in the initial stage. Their job is that of study and investigation of the existing development and the problem of the community in order to prepare a recommended zoning ordinance which can be referred to the governing body for finalization and adoption. After careful study, they conduct the public hearings thereon and make a final recommendation to the official governing body.

Zoning District. A geographic area in which the designation of the zoning ordinance sets forth requirements dealing with all uses which may be conducted therein. A zoning district is a part of the community which has an indicated boundary on the zoning map and for which the provisions of the ordinance apply.

Zoning Map. The graphic depiction of the zones or districts within a municipality, region, or area for which the zoning ordinance is applicable.

Zoning Officer. The individual appointed to enforce and administer the zoning ordinance. It is his duty to receive applications for zoning permits, as well as certificates of occupancy permits and to check against the ordinance to see whether such permits can be issued. If an applicant does not comply with the conditions set forth, the zoning officer has no other choice but to turn him down, in which case there may then be an appeal made to the zoning board for relief.

Zoning Ordinance. The text of the zoning process which spells out the terms and conditions of zoning within the municipality. It is put together as a written document, setting forth all of the standards, procedures and requirements and is placed in legal form to be adopted after the public hearing by the local governing body.

Zoning Permit. A permit issued by the zoning officer indicating that the plans submitted show compliance with the zoning ordinance and that the use or structure proposed is allowed by the ordinance or has been allowed by the granting of a variance by the zoning board. No use or structure can take place unless it has obtained a zoning permit where a zoning ordinance is in effect. There is usually a fee charged by the municipality for this permit.

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Department of Community Affairs. A Selected Compilation of Connecticut Laws Concerning Planning and Zoning. Community Development Aid #6, 1973.

Available through the Department of Community Affairs or your town's zoning commission. The information is highly technical; but it is good for reference.

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Audio Tape Script

LOCAL IMPLEMENTATION

Many people view zoning decisions as insignificant matters. Mr. Jones wants a fence one foot higher than allowed, or Mrs. Smith wants to add a backporch to her house...or on the other hand, citizens may view zoning decisions as some sort of game whereby some landowners may buy up land and develop it as in the game of Monopoly. Zoning is much more than this. Decisions made by those administering the zoning laws may have important effects on the long term and economic development of a community. Consider the long range effects of zoning regulations on such issues as defacto segregation, access to job opportunities, equal opportunity in housing, and the rate of local taxation. These are important "side effects" of the process by which a community decides how it will develop economically, socially and aesthetically.

Many of the most important aspects of the zoning process cannot be discovered simply by recalling the local ordinance. Nor, are the dynamics of the zoning process freely revealed by a map showing different use zones. Each zoning decision involves a variety of personalities, interests and conflicts.

Let us look closely at how zoning is legally defined; who is involved in making zoning decisions and some examples of how selected Connecticut communities reach zoning decisions. Guide Sheet #2 contains a statement of the Connecticut State Statutes on Zoning and the zoning ordinances from two Connecticut communities, Hamden and Woodbridge. Ston the tape recorder and study the legal definition and purpose of zoning regulations as outlined on guide sheet #2. When you are ready to procede, turn the recorder back on.

Zoning sould not be a process that goes on behind closed doors. To be effective zoning must be subject to close community scrutiny. As an active citizen in your community, you play an important role in this process. To be an effective participant in land use decision making, you must be informed. Simply caring for your community and sharing concern with others that someone should "do something" is not enough. You should know who is administering the zoning ordinance in your town. You should know who is administering the zoning ordinance in your town. You sould know what issues your town is facing in terms of zoning. And you should have the facts on important issues, not a collection of surmises collected from those around you.

As a basic starting point, you should be aware of your town's zoning ordinances. On guide sheet #3, there are several questions that will help you organize your zoning information base. Ston the recorder while you answer the questions on guide sheet #3. (Pause). If there are any questions on guide sheet #3 that you could not answer, spend some time this week in updating your bank of inforation on your town's zoning procedures.

With the great exnansion now going on all over the country, even the remotest municipalities are undergoing growing pains. No community is exempt from development. The mere act of raising the level of consciousness to that of being a well informed citizen serves to accentuate this growing process. Read your town's newspaper. Seek information on new building proposals. Become an informed

citizen and when appropriate, make your views known. As you observe the zoning process, ask yourself the following questions. Do you like what you see? Do you support those who are guiding the growth of your community? Are the communities zoning regulations being administered fairly" responsibly; and with the public's welfare in mind?

Once you have updated your zoning information base, active participation follows in a very natural way. There is no call for you to jump on a bandwagon...To suddenly fill your calendar with committee meetings and nights of heated confrontation. As a matter of fact, the <u>further</u> emotional decisions and displays are kept from the councils of government, the better.

What <u>is</u> called for, is your willingness to support or oppose a proposal on the basis of factual information, and your communities long range developmental plan. The only requirement to be met is that you appear in person at the town meeting, Planning and Zoning Commission, or Zoning Board of Appeals-Public Hearing. You cannot wait for the Commission, the deciding body to come to your door for your opinion. They want your ideas on issues of importance to your community and have provided time to hear them, at the public hearing.

A survey conducted in preparation for this entire project asked for town planner's views on citizen participation in the land use decision making process. They were asked what kinds of information adn skills were most needed by citizens active in land use decision making. A summary of the survey and responses is presented on guide sheet #4. Note that over 90 % of the respondants indicated that they believed that citizens should be involved in land use decision making by attending public hearings, by joining advisory committees and by maintaining interest in the functionings of local governments. Ston the recorder while you review the data on guide sheet #4.

Attending public hearings and serving on advisory committees gives insights into the ways in which boards and commissions carry out their work. By observing and objectively analyzing the decision making process you become more capable of becoming an active constructive participant in your communities mechanism for land use decision making. Zoning is a tool used by municipatities to regulate use of the land and development upon the land. The point to be made, is that zoning regulations are backed by state laws which have empowered the municipality to make independent land use decisions and enforce these decisions under given guidelines. It is the local governing body which best understands the needs of its citizenry and thus the local government which sould have the power to make decisions affection its future growth and progress.

Zoning entails the division of the community into districts or zones. Each zone providing for a particular land use and building type. The regulations are therefore unique for each district and serve to maintain the differences between zoning districts. Such divisions should be made with the intent to utilize the land in the most appropriate manner. This involves consideration of the land's character and its unique suitability for particular uses.

Zoning serves an important role in a community and this role must grow and change just as the community grows and changes. Guide sheet #2 provided some insight into the way in which zoning regulations have evolved. Initially zoning served to "secure safety from fire, panic flood and other dangers, to promote health and general welfare and lessen congestion in the streets." With growing concern for living quality, zoning now serves to prevent the overcrowding of the land, and avoids undue concentration of population. Regulations also provide for basic transportation, water, sewage and other public requirements.

Most importantly, zoning is a means of achieving a logical pattern of land-use developments. "Because zoning has such a direct effect upon future devleopment patterns it should be based on a carefully evolved development policy"

This entails planning. Often zoning is considered a planning process in itself. It is not, and should be carefully separated as an entity from planning. Planning deals with long range goals and objectives and involves a comprehensive plan outlined to direct and guide a communities growth. Zoning is the tool which effectuated the goals and aims of planning. The zoning process interprets a community development plan by preserving the desireable asnects of development and preventing development errors.

Good zoning insures the quality of a plan by reinforcing the plan with a well designed set of regulations . Thus transition is provided from present to future land use decision making.

In the past zoning has proceeded without the benefits of comprehensive planning. We can now see the grim effects of poor long term planning expressed in suburban sprawl and expensive urban renewal. Concerned citizens must call attention to the needs of a community for better public facilities, for more open land for improved employment opportunity and other concerns that relate to land use. The job of planning is to develop a plan that incorporates community needs. Once these needs are recognized and a plan is developed, zoning provides a means for implementing the plan.

We have viewed zoning in the broadest sense, describing its character and its potential. Now let's look more closely at the zoning process and enumerate those elements which allow zoning to function.

First we shall consider the zoning map. A zoning map is a valuable tool for it usually represents the pattern of zoning to the user.

It shows the relationship of the zoning districts to each other and community as a whole.

A zoning map may be clasified by other names: it may be a building zoning map, the zoning district map or composite zoning map-or just a zoning map. Visit your town hall and find out how your community refers to its zoning map. Guidesheet #5 is in fact, a zoning map. Do you see how the district boundaries are drawn on the map of the town on guide sheet #5? Now, look at the

symbols or labels that have been assigned to each district. The symbols used on the zoning map are described in the zoning district key. Information detailing each of these districts or zones is presented in the zoning regulations for the town.

For example: In the town of Hamden, R-1 would be that district with permitted uses including one family dwellings, commercial farms and one office allowed in a dwelling occupied by the owner as his residence. This differs from B-1 which allows business or professional offices, service shops and restaurants, etc.

The zoning map may be detailed where it points out individual parcels of land and their ownership, streams and landmark geographic features. But it's major purpose is to describe zoning districts, be easily interpreted and be as accurate as possible.

Some communities are large enough or provide such detail that a number of sheets are required to present their map. (Pause)

A second component of zoning is the "schedule of requirements." This is a compilation of standards and requirements extracted from the written text of the zoning regulations presented in a concise simplified form.

Such a presentation is divided by districts and indicates the precise dimensional requirements for each zone in terms of lot area, set back of the front yard from street, side yard requirements, rear yard requirements, maximum height, and minimum floor area of buildings on the property.

See guidesheets #6 and #7 for an example of a schedule of zoning requirements. Take time to study guide sheets #5, #6, #7. Locate a residential, business and manufactury zone on the Hamden map. Then determine the zoning requirements from the zone, by utilizing the schedule of zoning requirements.

Stop the recorder while you carry out this activity.

The third component of zoning is the one of most interest and importance to the functioning of zoning...the Zoning Ordinance. The zoning ordinance is that legislation compiled on the local level which sets forth the guidelines for zoning. "Legally speaking, the zoning ordinance is put together as a written document and sets forth all the standards, procedures, and requirements and is placed in legal form to be adopted after a public hearing by the local governing body. The preparation of the zoning ordinance is the responsibility of a zoning commission which sould base it upon sound and carefully prepared planning studies. It must be published before it is adopted so that it can be generally know within the community. " The text of zoning ordinances vary from one community to another, depending upon the manner of presentation and the type of duplication utilized. Some communities may print the text in mimeographed form. In any event, it is a widely used document, it's necessity is recognized by Conn. State law, which dictates that printed

copies must be made available to the public.

A zoning ordinance generally states the purpose of zoning, which is basically to promote health, safety, general welfare and appropriate use of land throughout the municipality. This section may be detailed enough to include an outline of principles and objectives to be followed. The ordinance provides for the division of the municipality into districts and dictates what those zones shall be and the regulations to be enforced for each zone. The ordinance then describes how the zoning regulations shall be adminsitered with detailed accountings of personnel and enforcement. Finally the ordinance details the means for amending the zoning regulations.

On guidesheet #8, you will find a presentation of a typical zoning ordinance in outline form. The ordinance is divided into articles and numbered sections. The numbered sections may be even further subdivided. Stop the recorder while you review the outline of the zoning ordinance on guide sheet #8.

There are several points which should be made about the character of a zoning ordinance to better help you evaluate its quality. Is your ordinance unique to yor town? Does it deal with those land characteristics present within the municipality? Was it prepared with consideration for existing conditions and with a future plan in mind?

All these questions deal with considerations which make the ordinance specific for your municipality. No single ordinance will necessarily apply to all communities. Your ordinance sould not be a cut-and-paste job trying to take the best bits and pieces from the zoning ordinances of other communities. The effect of a zoning ordinance is a far reaching one, both in the private and public lives of the people in the community. Would you want something this important to inaccurately reflect your communities particular way of life, its problems and its future plans for development? In order to be effective, your ordinance must accurately reflect the needs of your community. This requires careful thought and planning and coordination of your ordinance with a long range development plan.

One last point to be made is that once an ordinance has been adopted the work is not done. New methods and techniques of land use planning are constantly being developed and they mandate a constant review and redefinition of zoning regulations. Two examples of current land use innovation involving new zoning concepts are planned unit developments and cluster zoning both of which are described in some detail later in this unit. With rapid growth and development occurring in many communities, it is necessary to evaluate and revise existing zoning regulations to meet the changing needs of the community. An annual review of your community's zoning ordinance is well worth the time and effort.

Now you have the regulations written; "zoning designations are visually represented on a map

and in a Schedule of requirements. What more is needed? Administrators ! People to enforce the regulations.

In the state of Conn., the law provides for the formation of a zoning commission which will consist of a least 5 and no more than 9 members. Their selection may be determined by regulations in the ordinance proposed by the citizens in that town. The zoning commission may be the body responsible for the original drafting of the ordinance. In small towns, with populations less than 5,000 people, the selectmen may be empowered to act as the zoning commission. Alternates and replacements shall be determined by the adopted ordinance. The zoning commission is authorized to regulate the standards and procedures set forth in the ordinance, call public hearings and work to revise and ammend the ordinance.

The state law dictates that zoning regulations be made in accordance with a comprehensive plan. In some communities the Zoning Board is responsible for coordinationg the ordinance with the comprehensive plan, while in other communities a separate planning commission is formed. The planning commission is goal oriented. It controls municipal improvement, the subdivision of land and proposed boundary changes. When an ordinance fails to work successfully, the planning commission is called in to find the cause of the failure.

Many towns combine the planning commission and the zoning board into a single town planning and zoning commission. Each body is independent and maintains powers specific to its functioning but together they work toward better organized communtiy growth and development. The zoning commission is able to reinforce the long range goals for the community with carefully planned regulations. The planning commission then acts as a "watchdog" scrutinizing the effectiveness of the regulations and calling for newer zoning approaches to reinforce the long range plan.

The enforcement of the zoning ordinance is administered by the Zoning Officer. He is authorized to cause any building premises or structure to be inspected and to order the remedying of any condition found in violation 6 any regulation in the Zoning Ordinance. He may not interpret the regulations but must enforce them to the letter of the law. In many towns the zoning officer is also the building inspector and is well acquainted with the dimensional requirements of the zoning ordinance. In towns where the zoning officer is not the building inspector great cooperation must occur between these town officers to efficiently enforce zoning regulations. Proposals for any construction or alteration of a building must be submitted to the zoning officer for approval and a permit to build. In larger communities approval is given by the zoning officer and a permit is obtained from the building inspector.

The enforcement officer must insure that building specifications have been met. He has the power to prosecute violators and thus carries considerable authority.

Finally we shall discuss the most widely known body of zoning administrators...the Zoning Board of Appeal. In Connecticut, the Board of Appeals consists of five members and three alternate members. These members do not serve on the zoning commission and are appointed according to the town's zoning ordinance, or by the chief executive of the town.

The Board of Appeals will hear and decide appeals when there has been an error in decision made by the enforcement officer or when there are "special exceptions" to zoning regulations. They may, after a hearing, decide to vary the regulation with consideration given to the affect, this variance will have on the on the zoning district and benefit the community will derive in allowing the development or construction to proceed.

The Board of Appeals is an interpretive agency and may, by their decisions, greatly benefit or harm the community. The processes involved in reaching a decision by the Board of Appeals are complex and the workings of an appeal should be examined in great detail.

The following is an example of how a zoning appeal may be carried out. A citizen has requested a permit and it has been denied by the enforcement officer. Since the citizen believes he is right in his interpretation of the regulation or seeks to have a ruling changed he must ask for a hearing before the Board of Appeals. The appeal may take one of three forms, the exception, the variance or the special use permit.

Exception or special exception is granted when an unusual circumstance is anticipated and special provisions appear in the zoning ordinance which allow for an exception in that special case. For example, a private school might best be located in a residential area, the zoning ordinance when written may have recognized this fact and permitted this exception. The requirements are given in the ordinance and the school may be built as long as it complies with those requirements. Thus in any one district there are special types of service facilities that may be desirable when placed in that district.

In another case the citizen may request a variance that is an exception to the condition of the zoning ordinance and no provision has been made for the special use. This requires a good deal of thought on the part of the Board of Appeals since they must determine the affects this variance may have on the citizens, the zone and the general community. If this variance is granted to one citizen, will there be a rash of appeals from others? How many zoning principles are violated if this request is granted? Is this variance a "special favor" for a friend on the Board or a prominent member of the "party."

In the case of a variance in the height of a fence or the yardage from the side of a house to the street, how much impact will the variance have? If the variance involves the building of a house on a substandard sized lot in a zoning district...how will the decision affect the general welfare of the district? In Connecticut, and in many other states if a variance will not be detrimental to the zone plan, the comprehensive plan of the community, or the surrounding property...the variance must

be granted.

A Board with confidence that their zoning ordinance is well prepared and with proper legal advise, can minimize the problems encountered in the decision making process.

A third type of zoning appeal may take the form of a special use permit. This is similar to the exception in that a use may be desirable if located in a particular district. It differs from the exception, however, because this use is not forseen in the ordinance and must now be examined by the Board of Appeals. They must evaluate impact, traffic flow, site size, location and the need for the use at this location. Special permit uses are important zoning provisions in communities that are not highly developed. As a community grows, the development of one district may suddenly require exceptions to the zoning ordinance to allow for continued growth. The ordinance may need revision to keep pace with the community but the special use permit compensates for the time factor involved in an ordinance change.

When a special use permit is granted there are usually special provisions or conditions attached that are considered necessary to protect the adjacent land parcels from any possible inconveniences. For example, modification of the external features of the structure so as to appear in harmony with the area, may be required. Screening, or a greater minimum yardage from the unit lot may be included. There may also be a regulation as to the type of access this facility has or the requirement of off street parking.

An application for special permits and exceptions, variances and amendments to the ordinance must be followed by a public hearing. The laws in Connecticut are very specific as to the time the hearing must be held from the date of application. The law requires that a hearing must be held within 65 days of application. Notice of the time and place of the hearing must be published twice in a newspaper having "substantial" curiculations. (Substantial is used to mean newspaper which reachs the majority of citizens in the area, your zoning officer or town clerk will be able to direct you to an acceptable newspaper.)

The law requires that the complete content of the zoning matter be filed in the office of the town clerk prior to the hearing. The law does not require that the entire subject matter be completely reprinted in the newspaper. The Board is empowered to hold as many hearings as it deems necessary, so long as the hearings are concluded in the mandatory period. The decision of the Board must be given 65 days after the hearing and notice of the decision published in a newspaper of "substantial" curriculation.

At a hearing any party may appear in person and may be represented by an attorney. It is a time for serious discussion of those points pertiment to the application. The presence of experts which lend testimony allow the Board of appeals to efficiently and effectively make a decision.

The use of emotional display, the wasting of the Boards time persuing personal views that have nothing to do with the pertinent points of the application, or the turning of the discussion into a political debate all serve to hinder the effectiveness of the Board in their decison making process.

The hearing allows the people to express themselves. Informed support for or against the proposals is in the tune of democratic processes. The hearing is an important tool in the check and balance system and it is our responsibility to see that this extension of zoning works properly.

Now that you know how the various boards are constited and how they function, let us turn our attention to their membership. On guide sheet #9 there are blanks provided for the name, occupation and phone numbers of the persons sitting on the zoning boards of your community. Take time to complete guide sheet #9 now, or at some time during the week after you complete this A-T unit. The exercise will be helpful in compiling needed information for land use planning. (Pause)

Zoning should not be viewed as simply districting land into areas of low density, areas of high density residences and areas of business and manufacturing. New ways of thinking allow for greater flexibility in the zoning process and with this, innovative zoning types have come into being. Let us look at cluster zoning.

Cluster zoning allows for the reduction of lot sizes below the ordinance's minimum requirements with land remaining as open space on the proposed parcel after development. See guidesheet #10 for an illustration of cluster zoning. Instead of dividing a tract of land equally among ten housing units for example...the lot sizes would be reduced, the houses "clustered" together and the open space available as green belts, limited recreational developments or undeveloped open space.

The provision for open space is the most interesting part of this type of development. It may allow builders to buy parcels of land which include small areas that are unsuitable for building purposes but provide an attractive "background" for the housing development. Such areas would include rock outcroppings, areas of steep slope, or sharp downhill slope. Consider also, that these areas of open space need not be islands scattered here and there but may connect several adjoining developments to allow for greater areas of open land.

The open space created by cluster development may be the builders greatest selling attraction if he advertises it as a recreational area. Bridle paths, bike-ways, even tennis courts are highly desireable features that cna be included in cluster development. With large common recreational area availabe small yards may be appealing to the homebuyer as they offer a minimum of maintenance chores.

Who will maintain the open space? The open space may be deeded outright to the town as parkland. This has received criticism, however, for the open space is land the homeowner would have otherwise owned. It is difficult to rely on public maintenance of the common property for the space maybe virtually enclosed by the houses. Secondly, public maintenance leads to public usage and the intrusion of other townspeople in the development to take advantage of the space is often undesireable.

To keep up the land, many cluster developments have formed homeowners associations. Common ownership provides for a greater community feeling within the development which is an asset to the community.

Cluster zoning is not the "be all and end all" of zoning. It is new and with it comes creative and interesting design techniques. Stereotyping will serve to reduce cluster attractiveness in providing open space that is desireable. There is also criticism that this development type is really glorified condominium living. There have been efforts to stop "cluster" proposals on this basis. Connecticut at this point in time has no statutes which provide regulations for cluster zoning. Thus, it is difficult for local governments to evaluate such proposals when under criticism or protest. Ston the recorder and compare the traditional subdivision plan on the top of guide sheet #10 with the cluster plan presented at the bottom of guide sheet #10 (Pause).

Planned unit Development (PUD) is yet another zoning type which is new among developers. Turn to guide sheet #11.

Planned Unit Development (PUD) is a planning type designed to breakaway from the conventional subdivision. This new idea features a mixture of housing types and densities within a single land parcel. There is also provision for several land uses in the development. The plan may provide for single family and multi-family housing as well as facilities necessary to service the area. These would include schools, churches, and shopping centers. And last but not least, a (PUD) allows for common open space.

The purpose of the PUD is to encourage flexibility in design and development of the land, and to preserve and create usable open space for the residents within the town. The ultimate goal is a development which is aesthetically attractive and economically feasible.

Flexibility in design is provided by a PUD as it includes several housing types, suited to the differing needs of prospective buyers. The housing types may range in price to accomodate several economic levels of families.

Construction flexibility is acheived in PUD in that a site may be developed in stages. The initial plan once approved may be constructed in steps over a period of years. This feature gives the builder the advantage of testing the practical nature of the plan. As parts of the development are built and sold, the developer is able to evaluate the effectiveness of the initial plan and modifications can be made to meet needs that have arisen.

If changes need to be made: the developer must revise the PUD plan and wait for approval from the planning commission. This is a time consuming process. However it may, provide a means for modifying the builder's plan reflecting needed change. To misjudge the needs and attitude of a community is a serious consequence for a builder. To be able to rectify any errors in judgement is

a welcome advantage.

The PUD, by allowing for differing densities within the development allows for the clustering of houses, the use of townhouses and multistory residences. Such a plan provides for either undeveloped or developed recreational land. The common open space may, because of its scenic quality, be left virtually untouched. However, the provision for recreational facilities and areas is an added selling point for the builder. As in the cluster development, PUD recreational facilities may be as extravagant as swimming pools, indoor tennis courts or skating rinks. On the other hand they may be limited in development to bike ways, playing fields and trails.

Another attraction of the PUD is its economic advantage. By allowing for other land uses which provide services for the new area the PUD can be highly self contained. This means a reduction of a potential burden on community facilities already existing. Consider also that clustered homes and townhouses require a reduced network of utilities and streets when compared to standard subdivisions.

When planning any development, one major consideration is proximity of that development to services desired by prospective homebuyers. These services include stores, schools and churches. The PUD allows for these desired services. The PUD provides the community with the option to develop small urban centers in an organized fashion within the PUD thus providing for the needs of their residents.

What provisions must be considered to regulate the PUD? As we pointed out before, ideally the PUD offers many advantages to the community, but a builder that presents a plan to your community for a PUD may not be offering you the ideal PUD. Approval of a PUD plan because of exterior design and a quality sales pitch, without regard to dimensions, density and the schedule of completion is a grave error.

When faced with a plan for a PUD, ask yourself how the PUD's be maintained. Unless the area is totally devoid of improvements there <u>are</u> considerations, such as outdoor lighting, street tree pruning, garbage and trash collection, fire protection, policing and possible maintenance of the exterior of service buildings. As with the "cluster development," use of a home owner's association may be the best way to handle PUD maintenance and regulation.

When reviewing a PUD plan, careful attention must be given to the circulation of traffic within the PUD. If we are talking about high density neighborhoods, safety should be given a priority. Developers should utilize road systems designed to provide for slow traffic flow within the residential area, but easy access from the area to outlying centers. On guidesheet #12 there is a diagram and short explanation of different street patterns which provide for traffic flow within and around the P.U.D. Stop the recorder while you study guidesheet #12.

As communities are faced with the need to provide new housing in the form of cluster zoned

housing, PUD's apartment buildings or town houses, the issue of housing density generally becomes an important issue.

There is a way to regulate housing density by utilizing a ratio of the land left open to the housing density on the land parcel; this is called the Land Use Intensity Ratio a visual presentation of this concept is presented in Guidesheet #13.

Land use intensity is the overall relationship of structural mass, to open space of a developed property. Standards are set by the federal Housing Administration. The value for bulk mass of the building is obtained from a floor area ratio (FAR). This is the total square footage for all stories of the building on the property expressed as a ratio of the land parcel's total square feet. So if the size of a site is known, and the land use intensity is established, the floor area ratio FAR is calculated and establishes the permitted floor area.

Notice that the examples in sections A and B of guidesheet #13 have the same floor area ratio value. Stop the recorder while you study Guidesheet #13.

The distrubution of open space for its most effective use is a principal planning problem. Building and open space, livability space, parking space, working space and play space all must be suitably incorporated into the P.U.D. Here, good planning should seek to maximize the amount of open space available to the community.

Compare the open space in examples 1 and 3 in sections A and B of Guidesheet #13. (Pause) Do you see how building size or arrangement can affect open space availability?

The reduction of building cover by the use of multistory residence is one way to utilize the land use intensity ratio to increase the open space. Another way may be to reduce vehichlar space, but of course not at the cost of adequate traffic flow.

Connecticut's statutes give guidance toward regulating other aspects of the P.U.D. Because of the unique nature of the P.U.D. with its mixture of housing types, uses and densities zoning controls must apply to the project as whole rather than to individual segments of the development.

When presenting plans for a P.U.D. to your community's zoning or planning commission the developer must present a statement of objectives for his P.U.D. development.

The builder must outline both, the residential and non-residential land uses incorporated into the plan. These include the types of residential uses, whether they are single family, multifamily, multistory. And those services designed to serve the residents. The developer must also designate the land use intensity.

Application for a PUD should be introduced by a written statement of intent describing why such a development would benefit the community's plan. The exact location and size of the site should be described along with the location and size of the open space withing the PUD. The plan for maintenance of the PUD, whether by a homeowner's association of other must be stated in the proposal. Structural dimensions such as height, bulk and location of the structures must be submitted just as

they would be for any other building plan. These are subject to regulation by the schedule of requirements with consideration for the tyne of building being constructed and not the zone it will be built in.

The builders must provide information on (1) the feasibility of providing for sewers and storm water removal. (2) provisions for general utilities and services. (3) provisions for adequate traffic flow and parking areas, and (4) and most important a schedule of development progress must be submitted.

All this information is presented for the initial PUD approval. A hearing is then held to analyse this information and determine the zoning suitability. If intest approval is given for the PUD, more detailed plans are required for final approval. Drawings giving site specifications in detail must be submitted and approved.

Towns may provide close regulation of the P.U.D. by requiring the builder to explain his proposed financing of the project. This may insure the PUD will be completed with the same quality as presented in the plans. Conditions may be arranged with the builder concerning restrictions or tyne of home-owner's association that will be created. The town may also form an agreement with builder to insure that successive owners will take over completion of the development and finish it according to the approved plan.

Such strict and exacting regulations when spelled out in your community's zoning ordinance means you are able to enjoy all the advantages the planned unit development has to offer and they serve to protect your community from the problems a poorly planned P.U.D.could create. Connecticut has set the guidelines in the State statutes for control of P.U.D.'s. However, the drafting of PUD zoning regulations in your town's zoning ordinance allows you to tailor fit the development of PUD's to your community. Thus, proposed PUD will comply with your town's long range development plan.

Industry may be needed in your community as a basis for economic growth and added tax revenue. Zoning an area for industry does not guarantee industrial development will occur. Unless the area set aside for this intended development has been carefully selected within provisions set by a "comprehensive plan" for your community, you will find a jig saw puzzle development effect with industrial areas placed next to residences, or over valued wetlands. This tyne of industrial development is hardly the way to lead a community to sucessful growth and development.

In contrast, sensible and logical plans for zoning of industry allow for desired economic growth while protecting the quality of non industrial areas.

One way to deal with industrial development is to zone areas exclusively for industry. These areas must not be land areas that are left over after the residential and commercially zoned areas.

They must be satisfactory for construction of an industrial plant, and attractive as a site for a potential buyer. They must be accessible by good roadways and essential services must be available at the site.

Screening should be provided to prevent unattractive features of the industrial plant from overcoming the adjacent sites. Buffer zones should be provided between industrial areas to business zones to residential areas help prevent devaluation of residential property in adjacent zone. Such considerations are good planning practices. Provision for sound economic development along with attractive community growth shows good decision making practices are at work.

Now lets move our attention from industrial zoning to zoning for shopping centers. When Sears and Roebuck Co, found the vast profits available in suburbia and decided to go after those potential dollars: they started a trend just now reaching its' peak. The movement out of the central business district to the shopping centers of the suburbs has seen a terrific boom in the seventies. Unfortunately, many communities are not adequately prepared to regulate and plan for shopping centers since proper provisions have not been written into the zoning ordinances.

The suburban shopping center is a reality and must be dealt with in a logical way which will allow for continued economic growth along with the desired direction of community growth. When improperly planned, shopping centers create traffic problems and may adversely affect adjacent parcels especially residential areas. When properly planned, they can be an asset to the community.

Zoning ordinances should be equipped to require proper screening, height and floor space requirements as well as planned parking areas which will handle the traffic adequately. Such planning of regulations to direct shopping centers in your community will ensure attractive, accessible areas with potential for expansion.

Another way in which zoning affects our communities as well as other citizens relates to the zoning of agricultural land. With our growing population; the need to increase food production is great yet our agricultural areas in Connecticut are dwindling. Pressures from developers, the cost of farming and discriminatory taxes have caused many families to give up agriculture and sell their land for development purposes.

Zoning is a tool which could provide aid to farmers. By enforcing a logical, patterned plan of growth, scattered development is prevented and agricultural land may be preserved. Land in parcels adequate for farming practices may be set aside in specially zoned areas.

The basis for higher tax assesment because of small areas of housing or industrial development nearby is stopped. The community may also aid farmers buy insuring a tax structure which will reinforce the designs set down by the zoning regulations. A comprehensive plan to encourage preservation of farm lands is neccessary among those responsible for the tax structure. The view that farmlands are merely areas for future developments is a short sighted one and is of great detriment to total communities growth. For more information on this important issue, see the Upland Unit.

Now let's turn our attention to guide sheet #14 and flood plain zoning. (Pause)

A floodplain is the lowland that borders a river or stream. It is formed by nature as a drainage channel for flood flows resulting from heavy snow melt or rainfall. The floodplain is usually dry but is subject ot perfodic flooding. With development occurring closer and closer to the waterways; the increased runoff and clogging of waterways with silt and debris results in greater occurrences of flooding. Increased development along water ways increases the height of the floodwaters when a flood occurrs. This results in great expenditures of time and money in flood prevention and in repairing the damage caused by flooding.

In an attempt to protect life, minimize public expenditure and reduce flood damage to property, regulation of the floodplain is necessary. Zoning of the floodplain to allow for compatible uses, is one of many ways to accomplish this goal. We should mention here that other methods for regulation include floodwarning systems, subdivision ordinances and building and sanitary codes. We shall focus on floodplain regulation by the zoning ordinance.

Because zoning regulations ~~and~~ may differ from district to district, it is an effective tool in setting special standards for land uses in flood-hazard areas. It can be used in riverine or coastal areas to regulate what uses may be located in flood-hazard area, where specific uses may be permitted and how these uses are to be constructed or carried out.

What kinds of land uses should be allowed in a floodplain? Marinas, and water utilizing industry for example, by their very nature must be built along a floodplain. There are other uses which should be allowed along the floodplain. Zoning need not restrict all uses but should allow for those compatible with the land area. Such uses might include agriculture, certain recreational uses as golf courses and ball fields, wildlife sanctuaries, forestry and open space. These uses would suffer minimum damage due to flooding. Some would even benefit from periodic flooding. The sediments carried over the land by flood waters are highly fertile. Such flooding benefits agricultural lands, forestry and wildlife habitants.

We know we are dealing with a floodplain. But we are missing some information. How will we know how high the waters will rise? How fast will these waters flow? Detailed evaluation of the flood plain is needed. This includes mapping out of the border lines. You must be able to establish a reasonable and clearly determinable line of flood danger. The intensity and character of existing and anticipated development on the floodplain must be estimated. Tonography and flooding character of the stream should be evaluated. Some areas may by their very nature prohibit any development and lessen the need for detailed data collection and mapping.

Some federal and state agencies will undertake floodplain studies but often require local participation in acquiring these studies. Aid in the collectionof information about your floodplain may come from several sources: technical staff of water regulation agencies, municipal country

engineers and the Army Corp. of engineers. More recently the U.S. Geological Survey and the Soil Conservation Service have made mapping and technical assistance programs available to communitejs.

Once this information has been gathered there are many possibilities for regulation of the floodplain by zoning. These are all contingent on the amount of information available to the community about the floodplain. The greater the amount of information the easier it is to set boundaries and locate areas of differing flood intensities. A zoning map is prepared which also shows land contours and elevations. Two feet intervals for elevation are usually made for urban areas and five feet contours are used forsural areas. Then a minimum elevation is established at which building or structures may be erected.

If enough detailed information about the floodplain is gathered it will allow us to divide the floodplain into districts depending on the intensity of the floodwaters. In Guidesheet #14 we can see the differentiation of the floodplain into the floodway and flood fringe. Stop the recorder while you study Guidesheet #14.

Zoning for the floodway must permit those uses having a low flood-damage potential. Waters here are deep and often fast moving. Uses generally agreed upon as suitable for a floodway include agriculture, loading areas and parking areas, and recreational uses such as golf courses, picnic grounds, various playgrounds and trails. These uses would all suffer little from a flood and involve limited construction of structures. Those structure which are erected must offer a minimum obstruction of flood water flow. Filling and construction in this area only serve to raise the height of flood waters.

The flood fringe area is that area of the flodplain where the flood waters are low in depth and velocity. Almost all uses are permitted if the structures are located above the regulatory flood-protection level or are flood proofed. Filling in the area is allowed in this district to raise the structure above the flood protection level. Fill extended even 15-20 feet beyond the structure may be recommended to act as a buffer against direct contact with flood waters.

The floodway and floodfringe thus represent two seperate zoning districts. The use of two districts on a flodplain may bring problems to the zoning commission. Even with an accurately and detailed amp of the floodplain, there may be locations where the precise boundary line of floodwaters may be difficult to determine. The map may conflict with actual field conditions in its interpretation of the intended lateral extent of the regulated flood area. It may be necessary to give the responsibility for determining buildability of the site to the zoning board of appeals. Sonce this is not a conventional boundary, following a street or lot line, an appeal with its subsequent presentation of information and evidence may be desirable. The important objective is to provide a procedure by which the uses, variances and exceptions can be evaluated on a case by base basis.

If extensive information is not available, or the floodplain is essentially undeveloped and the topography of the area is generally not suitable for extensive future floodplain development, it is advisable to establish a single floodplain district. In a floodplain district, there is no differentiation between a floodway and floodfringe. The area is delineated as a single general floodplain district. The boundary for this district generally represents the extent of past flood waters. This is the flood hazard area and may be based on histroic flood maps, general surveys and given accounts.

In this district, open space is usually the only permitted use. All other uses are appealed as special permits to the Zoning Board of Appeals. Thus each proposal is judged on a case by case basis. The landowner would then have to present information about the site on his own behalf. Information might include a cross section of the stream, channel, overbanks and stream slope. Any other factors which might obstruct the water flow must be considered.

In Guidesheet #15, an example has been drawn to illustrate floodplain zoning. This example has incorporated two district zoning and single district zoning. It is possible to zone differently for different area depending upon need for regulation and the amount of data available about the floodplain.

There is one last zoning type which may by used to regulate land use around the floodplain. This district whould be called the flood-basement district. This area is located between the outer limit of the floodfringe district and a ground elevation which is 10 feet above the regulation flood elevation.

Their permitted uses are not highly restrictive. The basements constructed in this zoning area must be floodproofed if the basement floor is at an elevation lower than the regualtory flood elevation Also required is the use of backwater valves for sanitary service. This type of regulation is particularly valuable for areas with streams or creeks in the flood fringe which may have protracted flood durations.

Incentive to establish floodplain regulations was provided by HUD (Department of Housing and Urban Development) in 1968. Subsidies to flood insurance are provided by the federal government only to those communities who have adopted land use regulations on a floodplain.

All of the aforementioned regulations, no matter how general in nature or how specific, serve one purpose: to protect. The private and public costs of flood damage are too high to allow continued development of a floodplain without regulation. These zoning regulations call for detailed information about the floodplain and encourage case by case decisions for problematic area.

Supported by other forms of regulation, zoning can effectively serve it purpose.

Governments legal jurisdiction over land-use policy is reinforced by its financial power. New homes, businesses and industries springing up in urban fringe areas require adequate sewarge systems to remove and treat wastes. They produce adequate water supply, access roads, and utility

service. The introduction or expansion of these services is often dependent upon local governmental subsidy. If a locality judiciously locates and expands these facilities and services, they can often control the use of land. This method, however, is not foolproof. Often developers will pay for their own roads, utility service, sewers, and water supply. The financial power of a government or the power of the purse is only one component of the whole planning process. It should be considered in conjunction with other planning tools.

Subsidies, another type of power of the purse, are also a type of economic land use policy. These subsidies can extend governmental control and influence to a great many land use decisions. Governments at all levels provide money to assist in construction and development. This money gives the government some power in making the decisions involved in the construction and development.

Because towns and cities are faced with ever increasing costs, and because their major source of revenue is the property tax, they are pressured toward the type of development that provides a substantial amount of income to the town. Obviously a shopping center or a factory is more desirable economically than a farm or park. The commercial or industrial development not only provides an increased tax base but also creates jobs and increases the income level of the area.

In the past, in order to meet their rising costs, many towns in Connecticut have heavily taxed their farms and undeveloped properties. Based on a highest value assessment, where the land is assessed in terms of its development potential, these taxes have become an impossible burden to many of Connecticut's farmers.

To help preserve the farms and private open space, state money has been made available to local governments to allow them to offer tax breaks to the farmers and owners of open space. Connecticut Public Act 490, passed in 1963, states that the owner of farm, open space, or more than twenty-five acres of forest land, may apply to his local tax assessor for a property tax assessment compatible with the use of the land. This assessment if refered to as a use value assessment and is substantially lower than a highest value or development potential assessment. This relieves some of the tax burden imposed on owners and allows them to maintain their land as farms or open space. The property owner must submit his application for this assessment every year to ensure that the land remains in the undeveloped state for which it was assessed. To qualify, owners of open space must be sure that their land is designated as open space on a town plan. Farmers who wish to enroll under the Act need only the approval of the local tax assessor. Owners of forest land must receive certification from the state forester. Once the land is accepted into the program, it is up to the local tax assessor to determine the lower tax rate, however the rate must be the same for all qualified land in the town. Refer to the unit on open space for more details on use valve assessment.